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BY EMAIL

GRAVENEY AND GOODNESTONE CONSERVATION AREA REVIEW: CONSULTATION RESPONSE BY ICENI PROJECTS, ON BEHALF OF SKYLARK KENT LLP

a. Introduction

This Consultation Response has been produced to respond to the draft Graveney & Goodnestone Conservation Area Character Appraisal, which includes proposed extensions, which has been drafted for Swale District Council in relation to the Graveney Church, Graveney Bridge, and Goodnestone Conservation Areas. Skylark Kent LLP have a particularly strong interest in this area, being currently engaged in an appeal against Swale District Council's decision to refuse permission for the development of two sites which are directly related to these Conservation Areas. These are:

- Land at Sandbanks Lane and Seasalter Road, Graveney, ME13 9DU (Swale Reference: 23/504264/OUT) (PINS Reference: APP/V2255/W/25/3365131), hereafter also "Site A"
- Land West of Head Hill Road, Graveney, ME13 9DE (Swale Reference: 23/504263/OUT) (PINS Reference: APP/V2255/W/25/3367559, hereafter also "Site B")

At Figure 1 of this note, a map is included showing the locations of the two sites in relation to the Conservation Areas. Site A sits to the north of the Graveney Bridge Conservation Area, and south and west of the Graveney Church Conservation Area, while Site B sits within the Goodnestone Conservation Area.

The structure of this response is as follows:

- Legislative Framework, policy and guidance, as far as is relevant to this Consultation process, and our response;
- The Appeal, and its relevance to the Appraisal;
- Detailed comments on the Appraisal;
- Response to the proposed Extensions;
- Summary and Conclusions

The author of this document is Laurie Handcock, Director of the Heritage and Townscape team at Iceni Projects. I am a full member of the IHBC and the Chartered Institute for Archaeologists. My team and I have experience of producing Conservation Area Appraisals, and a strong knowledge of Historic England's guidance, as enshrined within Historic England's Advice *Note 1: Conservation Area Appraisal, Designation and Management* (2nd edition, published February 2019).

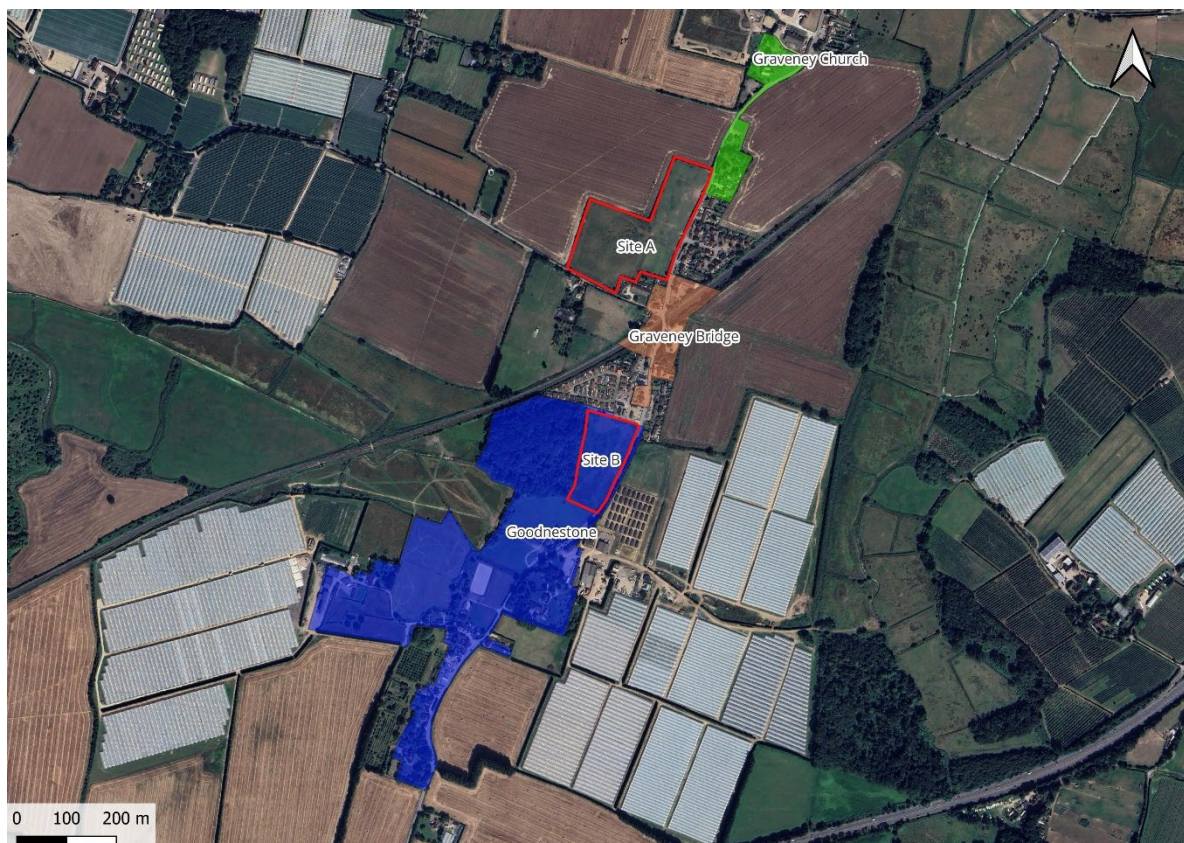


Figure 1: Map of the Sites currently being considered by the Planning Inspectorate, in relation to the three Conservation Areas.

b. Legislative and Guidance Context

Legislation

Sections 69 to 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 delineate the responsibilities of local planning authorities concerning conservation areas. Section 69 requires Local planning authorities to identify and designate areas of special architectural or historic interest whose character or appearance it is desirable to preserve or enhance, keep such designations under review, and may be directed by the Secretary of State to designate additional areas. Section 70 provides supplementary provisions for the designation of conservation areas, particularly emphasising procedures within Greater London, including consultation requirements and the necessity for publication of designations. Section 71 mandates that local planning authorities periodically formulate and publish proposals aimed at the preservation and enhancement of conservation areas, ensuring public participation through consultations. Section 72 imposes a general duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Case Law

Case Law is relevant here insofar as it relates to the way in which the LPA are obligated to respond to consultation responses.

I would like to draw the Council's attention to the decision in *Future High Street Living (Staines) Ltd v Spelthorne Borough Council* [2023] EWHC 688 (Admin). This was a case that related to a proposal to extend the Staines Conservation Area in order to draw in a building for which there were demolition proposals, a former Debenhams store. It is of most relevance here, however, because the Claimant's case was ultimately successful, and the decision to extend the Conservation Area quashed, because

their consultation response had not been properly considered prior to the adoption of the Conservation Area; and because their Consultation Response had also not properly been reported to Committee, during the formal adoption period. The Council's approach was, in essence, that these Consultation Responses had been reviewed, but that they "did not alter" the views they already held on designation (para. 79). They had, it was argued, therefore failed to have full regard to the Consultation process, treating it with lip service, as a process to be gone through prior to proceeding with the finalisation of the Conservation Area in its original intended form. This approach on the part of the Council was found to be wrong in law, with Lane J finding that the Council needed to, and did not, provide a 'legally satisfactory response' to the failure to have regard to the Claimant's representations to the Consultation process (para. 84) and did not report the representations to members correctly.

A similar and related case is that of *Trillium (Prime) Property GP Ltd v London Borough of Tower Hamlets* [2011] EWHC 146 (Admin), in which the High Court examined the legality of Tower Hamlets Council's swift designation of the Limehouse Cut Conservation Area following a notice of intent to demolish. Trillium challenged the rapid designation of the conservation area and the lack of consultation. Consequently, the court quashed the conservation area designation, emphasising the need for transparency and proper consultation throughout the conservation area designation process. Notably for this case, it emphasised that "*the requirements for designation are not just that the area possess the special interest defined by s69; the area of special interest must be one the character or appearance of which it is desirable to preserve or enhance*" (para.9).

It is clear that in undertaking this Consultation, Swale District Council are obligated not only to have undertaken a Consultation process, but to treat it as a weighty and important part of that process. Consultation Responses need to be considered carefully, and responded to cogently and robustly, if concerns are not to be addressed. A failure to do so would, as case law has shown, potentially leave the adoption of the Appraisal and any boundary extensions as being open to challenge.

Historic England Guidance

Historic England's *Advice Note 1: Conservation Area Appraisal, Designation and Management* (2nd edition, published February 2019), provides comprehensive guidance for local planning authorities on identifying, designating, and managing conservation areas. It emphasises the importance of thorough appraisals to understand and articulate the special architectural and historic interest of an area. The guidance advocates for active community and stakeholder engagement in the appraisal process and recommends the development of management plans to ensure the ongoing preservation and enhancement of a conservation area's character.

A key principle outlined in Advice Note 1, aligning with the NPPF paragraph 204, cautions local authorities "to ensure that an area justifies designation as a conservation area because of its special architectural or historic interest, so that the concept of conservation is not devalued through the designation of areas that lack special interest" (Para. 15, Page 7). This holistic approach discourages the inclusion of areas that do not enhance the overall character, ensuring that conservation area boundaries are drawn tightly and meaningfully. When considering boundary extensions, the guidance advises that such changes should be made when the additional areas demonstrably share the architectural or historic qualities that justify conservation status.

This is further supported by the PPG: "*local planning authorities need to ensure that the area has sufficient special architectural or historic interest to justify its designation as a conservation area.*" [Paragraph: 024 Reference ID: 18a-024-20190723]. Conservation Area designation and extension is not to be taken lightly; it is a process enshrined in legislation, which requires a proper commitment to process, and detailed and careful consideration of any potential extensions or amendments to a designation.

c. The Appeals, and their relevance to the Conservation Area Appraisal

As noted above, we are currently awaiting the decision of the Inspector in relation to two Appeals, one for land north of Bridge House and west of Seasalter Road, and another west of Head Hill Road, within the northern part of the Goodnestone Conservation Area. Decisions are expected in early December 2025. The appeals turn in part on matters of heritage impact, with both refusals incorporating a Reason for Refusal related to harm to Conservation Areas (The Appeal for Site A to the Graveney Church and Graveney Bridge CAs, and the Appeal for Site B to the Goodnestone and Graveney Bridge Conservation Areas).

These decisions, when issued, will therefore incorporate judgements, on behalf of the Secretary of State, on matters of heritage significance, including the character and appearance of the Conservation Areas, and the contribution made by their setting. Certain issues, such as the 'conflation' between Conservation Areas and settlement clusters which we discuss in detail below, were specifically considered at the hearings, and may be incorporated within the decisions. There is a significant body of case law which confirms that Appeal Decisions are material considerations in decision-making, most notably within *DLA Delivery Ltd v Baroness Cumberlege of Newick* [2018] EWCA Civ 1305 (which includes, at paragraph 29, a run-down of some of the most relevant supporting cases). The Courts' approach has been throughout that as a result of the consistency principle, previous appeal decisions are material and must be taken into consideration. There will inevitably be differences in the facts of each case, and these go to the weight that can be given to previous appeal decisions. Decision-makers are also able to reach their own conclusions, where matters of judgement are under consideration. Ultimately, however, a decision made by an Inspector on behalf of the Secretary of State will be material where related planning decisions are being made in the future, and any decision-maker will need to clearly demonstrate why they are seeking to depart from that decision.

Accordingly, it is clear that these appeal decisions will be material to future planning decisions in and around the three Conservation Areas. In the interests of clarity and consistency of decision making, we would urge the local authority, during their consideration of Consultation Responses, to also seek to take into consideration these Appeal Decisions, such that future inconsistency does not become 'baked in' to decision-making in the vicinity.

d. Comments on the Conservation Area Appraisal

We have reviewed the Conservation Area Appraisal and Management Plan in detail, and as a whole, are broadly content with the structure and general approach of the document. It is seeking to be a detailed consideration of the significance, character and appearance of the Conservation Area, and to take into consideration the sorts of issues which serve to contribute towards this significance, character and appearance. The appraisal is clearly sub-headed, and uses mapping and other visual figures to illustrate its key points, which aids in its legibility.

We nonetheless have some significant concerns about the document's content, which affect its usability and robustness. I deal with these in detail, on a Section-by-Section basis, below before summarising our core concerns with the Appraisal as a whole.

Character Appraisals

Graveney Bridge Conservation Area

Our comments on the Character Appraisal for this Conservation Area are as follows:

Sections 2.2 and 2.3:

We are of the view that the approach shown by the Appraisal to setting presents an incorrect consideration of the setting and are of the view that these sections require revision. The focus of our concern is a failure to have regard to the built, as well as landscape setting of the Conservation Area. There is a reference to built form to the south Murton Farm's Barn, but there is a particular focus on

landscape. Landscape considerations are clearly very relevant to this Conservation, but there is a clear underplaying of the nature of the Conservation Area as part of a longer chain of development.

Given that this is tightly-drawn Conservation Area, focused on a handful of buildings, it is necessary to have regard to this fact in relation to the wider character of the built environment in the vicinity. This is not an isolated cluster of built form with no relationship with later development, but this text reads as though this is the case. In reality, it is appreciated 'on the ground' as part of a wider cluster of buildings that runs north from the Graveney Bridge cluster, up Seasalter Road, and beyond, to the north. Indeed, my experience of Graveney as a whole is that one never truly leaves the influence of settlement, from the Four Horsehoes Public House to Brickfield House, a distance of just over 1km. The only small break in continuous development along the road appears within the Conservation Area, between Graveney Church Cottage and the Church. This section should be revised, to properly assess the land outside the Conservation Area as a mixture of built and landscape elements, and to consider their contribution towards significance, character and appearance.

2.8 (The Public Realm and Highway):

The document's necessary focus on the Conservation Area alone, a very small area that falls within, as we have outlined above, a much longer and more varied stretch of Graveney more broadly, can lead to some potentially misleading descriptions and analysis, which in view would benefit from better contextualisation. As an example, it is said that,

The road is rural in character. There are few buildings that utilise the road, and for the most part, the road is narrow and bound by hedgerows and trees on either side. (page 20, second paragraph).

This is a broadly an accurate description of the Conservation Area. It would help future analyses, however, if it was recognised that this sits within the context of the road itself being a relatively busy thoroughfare, where to the south and north, built form with varied expression sits alongside the roadway, and the 'rural' nature of the road ebbs and flows. It is also important to note that this 'rural character' changes along the road's length as there are dramatic (from a character perspective) changes in openness and enclosure. The section between Graveney Church Cottage and the Church, and that to the south, opposite Murton's Farm, for example, are dramatically different in character, because the more enclosed land to the west of the road further south is replaced further north by contrasting openness, with views across the marshes off the ridge to east and west. Similarly, it is said that,

The road remains relatively flat throughout, enhancing long views across the landscape and revealing the area's distinctive topography and rural charm.

The flatness of the road is a consistent feature, but 'long views' and appreciations of the topography are not available consistently throughout the Conservation Area.

Map 5.3:

This is a minor point, but there is inconsistent marking of 'significant hedges', this should be amended to aid legibility (the site southwest of Murton's Farm does not have the 'zig-zag' green line noted in the key).

2.9 (Significant Views):

We note that the following is said:

These views are deemed as important as they not only change with weather conditions but also change with the time of day.

Clarity is required over this comment; this is true of any view that can be obtained outside. It is unclear why this is a particularly key consideration here, or what it means for the management of the Conservation Area.

Viewpoint 1 (Views from the public highway): There is, in our view, a need to have regard to how these are shown on mapping, and how they can be obtained. Even in winter (as shown on the photographs), when entering the Conservation Area from the south, the size and depth of the hedgerow on the lefthand side is such that views are focused north into the Conservation Area. By contrast, the views entering the Conservation Area from the north, are expansive. It is therefore unclear why figure 5.4 shows a single focused view at the north entrance, and a more expansive view at the south entrance to the CA (see figure 2, below). This mapping is not an accurate reflection of experiences of the Conservation Area, and seeks to protect views which are already heavily constrained by development.

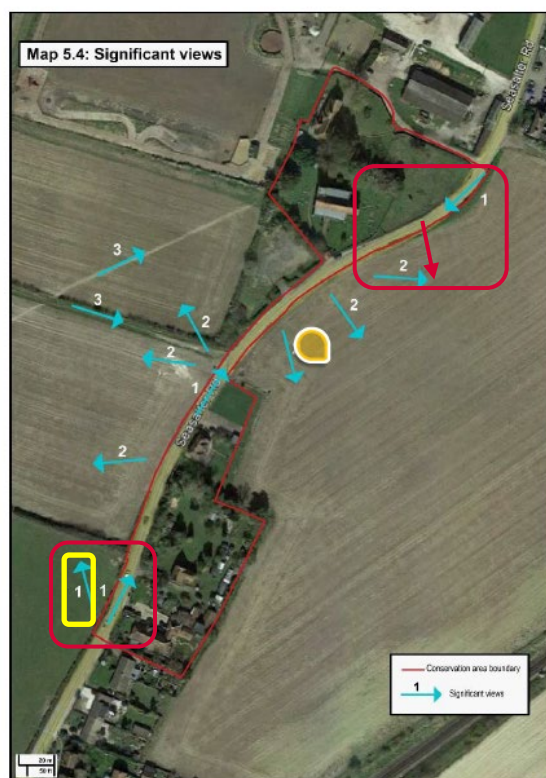


Figure 2: Highlighted form of Map 5.4 within the Appraisal. The arrow outlined in yellow is, in our view, unjustified, or at odds with one's experience of the Area, while an additional arrow is required, in our view at the northern edge of the Area, marked here in red.

2.10 (Setting): We have no particular issues with how the setting of the Conservation Area is described or framed, but some tightening of the text is probably required to assist users in its practical application. As elsewhere within the document, there is, because of the very small size and focused nature of this Conservation Area, a tendency to conflate, throughout, between the Conservation Area and Graveney more widely, or the Conservation Area and the built environment immediately surrounding it. Throughout this section, we would suggest that thought is given to ensuring that the Conservation Area alone, and the contribution of its setting to it is considered. As an example, there is significant focus on the landscape around the Conservation Area, but reference should also be made to the built environment to the south and north, forming, as it does, part of the Area's setting. These elements create, by contrast with the Area itself, a core part of its setting, the creation of 'edges' to the Conservation Area by being in contrast to the small historic cluster on which the Area focuses.

The Church is described as being a 'focal point' for the local community, and spiritually and administratively this is obviously correct, but some clarification is probably required here regarding the role of the Church as a *physical* focal point. While situated on a ridge, the Church is relatively low-slung as a building (as is actually relatively common for Kentish Churches of this age), and its visual prominence is therefore not as significant as the text currently suggests. It has prominence in views along the footpath between the Church and the village hall to the southwest, undoubtedly acting as a

focal point in this direction, and within its more immediate vicinity, but it quickly becomes well concealed.

Graveney Bridge Conservation Area

Sections 3.1-3.4:

As with the Graveney Church Conservation Area, the Graveney Bridge Conservation Area is an unusually defined Conservation Area, small in scale overall, and drawn with the intention of incorporating individual historic buildings (as well as a better-defined cluster around the railway bridge), and excluding later, less historic and more intrusive features and buildings. The nature of the designation (which is of a form that would be unlikely to be repeated today) means that the Appraisal needs to be clear, throughout, about how the area is defined, what is 'in' and what is 'out'.

This is an important practical point, because the application of Conservation Area legislation and policy (for example, the practical application of Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act) is determined by whether an application relates to "any buildings or other land in a conservation area" (Section 72(1), my emphasis). The settings of Conservation Areas are not protected by statute, but it is important that they are clearly defined, given that they attract 'great weight' in the planning process (NPPF paragraphs 212-213). There is no room for conflation between the Conservation Area itself and its setting. Unfortunately, this is not the case for the current draft of the Appraisal, and the descriptions of the Area wash over the entire grouping of Graveney Bridge, within and without the Conservation Area, indiscriminately. In the 'Buildings' section, for example, reference is made to 'fairly ordinary modern housing' south of Bridge Cottages, and Park Homes around the Four Horsehoes PH, without referencing the fact that these buildings sit outside the Area. This is far from a pedantic point. Because they have been drawn out of the Area, because it is an area drawn through inclusion of historic buildings, and the exclusion of non-historic or intrusive ones, these buildings, by definition, form its immediate setting, and the contribution, therefore, that this setting makes to significance. Clarity is required on this throughout this section and, as will be seen, beyond.

3.4 (Materials):

On page 35, reference is made, reference is made to the extremely ordinary, mass-produced houses of Goosefields, to the use of stock brick, with red brick soldier courses. These buildings, despite clearly being an intrusive and acontextual addition to Graveney, rightly excluded from the setting, are described with references to everything to the Regency Period and the use of polychromatic brickwork in the Victorian period. Indeed, more time is spent describing these buildings than the brickwork of the Conservation Area itself; given that this is a predominantly brick-built Conservation Area, this text needs revision, being unhelpful to readers, and giving apparent weight to plainly harmful aspects of setting.

3.8 (The Public Realm and Highway):

In our view, it is necessary to be specific about the role of landscape in views from the public realm, and in the setting of the Conservation Area more widely. It is implied that this is a common experience, but is in reality limited largely to the views up and down the railway, with the Area otherwise being experienced as a relatively insular space. This is reflected in figure 6.4; there is one other view, beyond those along the railway which is identified as providing a connection between the Conservation Area and the open countryside, and even here, we would suggest that this should be excluded, for the reasons set out below.

3.9 (Significant Views):

In relation to Viewpoint 1, particularly from the south of the area, there is, again, a need to have regard to the very specific nature of the Conservation Area, and a need to avoid conflation between the Conservation Area and the wider settlement of Graveney Bridge. The photograph below at Figure 3 illustrates the point; those features (built and natural) which are within the Conservation Area are here indicated in red. As can be seen, while this view is ostensibly one towards the Conservation Area, or

into it, it is one in which the Conservation Area is difficult to discern from the wider built environment. In addition, there are significant intrusive features within this view, not least the Park Homes which form a hard and unrelieved edge to the settlement at this point. We would suggest that this view be excluded or moved further north to a position where one is better able to appreciate the Conservation Area itself.



Figure 3: View north from the Goodnestone Conservation Area towards the Graveney Bridge Conservation Area. Features within the Graveney Bridge Conservation Area within this view are highlighted in red.

Additionally, the text refers to the 'clear visual connection' to the wider landscape at the northern and southern ends of the Conservation Area. There is some opening up at the northern and southern ends of the Conservation Area, but again some greater clarity is required within the text. These townscapes remain enclosed, with built form being the focal point of views to the north in particular. The curving nature of the road, and the height of the hedgerow to the west (which sits on land raised above the road) encloses the view for the viewer.

Reference is made within Viewpoint 2 to a view opposite Graveney Primary School, looking northwest. This view is a contained one, into the school playing field and paddock. In order to attain it, one has to actively cross the road, onto a very short stretch of pavement, and climb steps to a gate marked 'No Trespassing'. It cannot be attained from the road. The appraisal identifies this view as 'important' but does not have regard as to whether or not it is one that is important to viewers, or is attained as part of a natural movement through the area.

Additionally, this view is also wholly inconsistent with the description of Viewpoint 2 within the text. It is not 'panoramic' and does not 'reveal the natural contours and character of the surrounding landscape'. It is primarily a view of a village feature, a playing field associated with the school. The nature of the contours here obscures, rather than reveals the wider landscape, as the rising land forms a horizon line at the edge of the playing field. In our view this view should be omitted accordingly. As a whole, beyond the long views along the Railway Line, it is our view that the experienced connection between the Conservation Area and the wider landscape is overemphasised, with much of the Area's setting being made up of built form, as a result of the way in which it is drawn.

3.10 (Setting):

The Appraisal falls further into error through conflation within this section. As a whole, it is hard to follow, as the text spends much of its time describing buildings and features within the Conservation Area rather than its setting, and does not clearly define what the setting of the Conservation Area is.

The following paragraphs appear to constitute a description of the Area's setting as perceived by the Appraisal's authors:

The Graveney Bridge Conservation Area in Graveney, Kent, is a rural environment characterised by its preservation of historic features typical of a marshland village. Bounded by Head Hill Road and Sandbanks Lane, the area consists of open countryside, historic residences, and a landscape that has experienced minimal alteration over time. The narrow lanes pass through fields and hedgerows, linking buildings that reflect Graveney's agricultural and social history...

Together, these buildings, each with their own architectural and historical value, sit within a wider setting of marshland and open space, particularly towards the Graveney Marshes and the South Swale, an area of significant ecological interest. The interplay of built and natural elements, along with the intimate scale of the lanes and houses, gives the Graveney Bridge Conservation Area a distinct sense of place. It stands today as a living patchwork of Kentish heritage, rural tradition, and community continuity.

This description of setting is misleading and inaccurate, given the reality of a Conservation Area whose setting is very substantially formed of built development. The Conservation Area has a built boundary to the north (School Terrace and Murton Place); very significantly to the west (Vinson Close, north of Sandbanks Road; Goosefields, and Four Horseshoes Park Homes); and to the south (further Park Homes and Culmers Terrace). Given that the Conservation Area follows the railway line, much of its remaining boundary to the open countryside is inaccessible (north of Bridge Cottages, and east of the Primary School).

The Conservation Area Appraisal's approach to setting should be clear and well-defined. It should talk clearly and exclusively about the Area's setting, and the contribution it makes to character. It should be clear that the setting consists of a mixture of built development and open countryside, and the ability to appreciate that setting, kinetically, and in views into and out of the Conservation Area, should be properly and accurately outlined. In our view, this Section of the Appraisal requires considerable revision.

Goodnestone Conservation Area

4.8 and 4.9 (The Public Realm and Highway/Significant Views):

It would be helpful to have regard within the description of the Public Realm to the fact that one's experience becomes heavily influenced, in the northern part of the Conservation Area, by the presence of Graveney Bridge. Here, there are open views towards Park Homes and later built form, with scattered, more historic built features. The openness of the land, and the rather functional field boundaries in this vicinity, lead to a reduced sense of quality and coherence, when compared to the well-defined (yet evolving) experience within the village of Goodnestone further south.

When considering views, this issue arises again, with a suggestion throughout that Viewpoint 1, for example, allows an appreciation of "how the built form [of the Goodnestone Conservation Area] transitions into the surrounding rural landscape", with "visual connections between the historic core and its agricultural context". Again, there's a need to have regard to the fact that (in contrast to the Conservation Areas to the north), this is a Conservation Area that draws in significant areas of landscape as well as built form and has, by contrast, some elements of its setting which are built, notably to the north. More nuance is required within Section 4.9 to have regard to this point; the description of Viewpoint 1 at present is not reflective of all of the views identified, and it is not the case that this is a Conservation Area with a well-defined boundary and a wholly rural setting.

In terms of Viewpoint 2, care again is required when describing the interaction between built form and landscape in these views, having regard to the changing nature of the landscape, and the flow of the Conservation Area over this landscape. Of the views identified, not all are 'panoramic' (for example that at the northern end of the Area south of the Four Horseshoes, or that looking south from Goodnestone Lane), and the changing nature of the landscape in terms of its openness needs to be

taken into consideration. The viewpoints listed under Viewpoint 2 require revision, with the two highlighted above requiring exclusion on the basis of their present description (see figure 4).



Figure 4: Significant Views map for the Goodnestone Conservation Area: the views proposed for omission are circled in red.

4.10 (Setting):

There is, again, significant conflation of setting and internal Conservation Area character here. Much of this section refers to areas within the Conservation Area. Three paragraphs focus on Goodnestone Lane, a road set at the heart of the Conservation Area, and there are descriptions of the visual role of the Church within the Conservation Area and of Poplar Hall and other internal features. I am not clear from reading this that the authors have a clear understanding of what constitutes the setting of a Conservation Area. This section requires re-writing in order to be an accurate description of its setting and its role in significance, character and appearance.

Summary and Conclusion: In our view, this section requires revision in light of our detailed comments above. There is a need for this summary to reflect the unusual form of the Graveney Church and Bridge Conservation Areas, and to have regard, as a result, to their appearance within a wider run of built development, as two specific ‘wrap around’ Areas, focused on historic buildings that read within a wider settlement. These points should be recognised within their Key Characteristics, and a clear distinction drawn between the Areas themselves and their settings, which incorporate a mixture of built and landscape features. The Key Characteristics boxes still show a tendency towards conflation between settlement and Conservation Area. A similar issue arises in relation to the Goodnestone Conservation Area, where landscape is referred to, but there is a need for greater clarification as to whether the contribution arises from within or without the Area.

The connection between the Graveney Bridge Conservation Area and the surrounding landscape is, in our view, overstated, given the rather insular experience one obtains on the ground within the Conservation Area.

Management Strategy Sections

“Conservation should not be misconstrued as an attempt to halt progress or prevent change” but the ‘New Development Opportunities’ elements suggest that there are ‘limited’ opportunities for new development within all three Conservation Areas, and an identification that,

Development that impacts the setting of the conservation area or other heritage assets may also alter their cultural and historical significance. The local planning authority is legally obligated to give special consideration to safeguarding the setting of the conservation area, as well as the setting of any listed buildings, during the planning and decision-making process.

This approach is taken to all three Conservation Areas. Clearly, given the peculiar nature of the Conservation Areas, it is difficult to identify areas for redevelopment; Graveney Church and Graveney Bridge in particular are so small and specifically drawn that there is simply no space for additional development. However, it does little to suggest that the document should not be viewed as 'halting progress or preventing change' when the practical reality of the document is that it serves to severely restrict any growth within the settlements of Graveney and Goodnestone. It is not the Appraisal's role, of course, to identify redevelopment opportunities, and sites that might come forward in the future. However a series of appraisals that look to identify almost every possible view available out of these Areas as being important, and the wording that is used in this section, makes it difficult not to read this document as a rearguard action against potential future development.

Summary

Overall, we are of the view that the Appraisal requires revision if it is to be a document of accuracy, robustness and clarity. It is particularly necessary to draw a clear distinction between setting and internal character and appearance, and to have careful consideration to the way that views and setting are described and considered as part of the Conservation Areas' character, appearance and significance.

e. Proposed Conservation Area Boundaries

Two extensions are proposed to conservation areas within this document, one to the Graveney Church Conservation Area, and one to the Graveney Bridge Conservation Area. As a preamble to our comments, I would reiterate the case law and guidance points made above. Extensions to Conservation Areas have to be carefully considered, and enacted only if there is confidence that they genuinely support the 'special' interest' of the Conservation Area. Indeed, as per the judgement in *Trillium*,

"the requirements for designation are not just that the area possess the special interest defined by s69; the area of special interest must be one the character or appearance of which it is desirable to preserve or enhance"

This requirement applies to the area alone proposed for extension; it is not enough to view extensions as comfortably absorbed into the wider special interest of the Area. In our view, as we will show, the proposed extensions plainly fall considerably short of the requirement of 'special interest...which is it is desirable to preserve and enhance', and any proposal to extension could be subject to legal challenge.

Graveney Church Conservation Area

The proposed extension to the Graveney Church Conservation Area is proposed to incorporate a car park, and part of a *reinstated* footpath. The justification for this inclusion appears to be as follows:

- It is enclosed by walls and hedges, and is therefore a 'transitory' space from the Church;
- It incorporates a footpath, 'Odin's Path' which follows the same line as a historic route and connects to other satellite elements of the settlement;
- The entrance to the site is important, as it has an interpretation board.

There are a number of problems with these proposed justifications. The site is a car park, and in visual terms, has a largely neutral visual contribution to make, being an open space with a gravelled surface, a simple hedged boundary, and a metal 5 bar gate. There is nothing *special* about its appearance. It is additionally unclear why being a 'transitory' space, if this is indeed the case, is a factor that allows it to meet the high bar of special interest. It is a functional car park additional to the Church. It provides a means of people parking and moving to the Church, but it is inconceivable that given the strength of statute, this factor could be material in a decision to extend the Conservation Area. Its current form is also an entirely modern creation; as the Appraisal itself notes, until 1921, the area had no hedges, and was previously orchard.

Additionally, it is my view that the weight given to Odin's Path is hugely overplayed. As proposed, the extension incorporates 40 metres of a very long path that passes into the countryside. The majority of that path, and the diagonal path to the southwest would not be within the Conservation Area; designating this small patch of land applies a designation to a vanishingly small portion of the Conservation Area, and does not create a new connection, *given that the start of the path is already at the Area's edge*. In reference to historic routes, reference is made to Good Practice Guide 3 (*The Setting of Heritage Assets*), but the reference is unclear, and it is particularly unclear why this, a document regarding setting, provides justification for the extension of the Conservation Area *itself*.

Overall, the Council need to carefully consider any extension, and clear and robust justification is required for any extension, to ensure that they are of special interest. A modern car park, with ordinary landscape features (a hedge and gate), and a small fragment of a reinstated footpath, plainly cannot meet the stringent requirements for special interest. Were the Council to proceed with adoption, there is no question that the extension would be vulnerable to legal challenge.

Graveney Bridge Conservation Area

The area proposed for extension here is a rough car park to the south of the Four Horsehoes Public House, bounded by a rustic wooden fence installed in the last couple of years, and containing two Park Homes. The justification provided for the extension is as follows:

- Potential archaeological significance, relating to an earlier excavation purported to have taken place on the site;
- The site's contribution to the setting of the Four Horseshoes PH (on the basis that Historic England recognise that 'open spaces' can contribute positively to Conservation Areas;
- The site used to be an orchard, and some boundaries are the same today as was the case then.

Given the high bar for designation, and the quality of the proposed extension as viewed today, it is barely credible that this extension has been proposed. The site is visually of a very poor quality, with Park Home development within the boundary of a form that clearly detracts from the setting of the Four Horsehoes and the wider conversation, and no features, in landscape and boundary terms, of any great age or particular quality. Open spaces of course can contribute to Conservation Areas, but they *must have special interest in their own right* if they are to be proposed for addition to a Conservation Area. Historic England's guidance, and its reference to open spaces within Conservation Areas, clearly did not have rough car parks in mind.

This extension would be extremely vulnerable to legal challenge and would plainly fall significantly short of the high bar for designation. The justification for addition deliberately overlooks the reality of the current condition, and makes no mention of the Park Homes within this area. The extension should not be pursued.

Goodnestone Conservation Area

We have no comments to make on the proposed extension to this Conservation Area. Given its significant age, however, we are somewhat surprised that no efforts have been made to reduce the scale of the Conservation Area, or to rationalise its coverage. The Goodnestone Conservation Area is a peculiar one, because it appears to have little regard to the historic and present form of Goodnestone as a settlement. It is made clear in 4.1 that the settlement focused, today and historically, to the south of the Area as designated, where the 'village' itself is clustered, with the Manor and Church to the west. We have identified through the Tithe Map (see figure 5 below) that the Parish did not extend to the north to cover the northern parts of the Conservation Area; these instead fell within the Parish of Graveney. Indeed, given that there is no built form within the northern part of the Area, and the historic connection between this Area, and the well-defined village to the south, these areas' claim to "special architectural and historic interest" as part of a coherent Conservation Area is very limited, and in our view devalue the Conservation Area as a whole.



Figure 5: Overlay of the Tithe Map of 1840 with the Boundary of the Conservation Area (north to right)

In our view, it would be valuable to do a further assessment of this area to assess whether it would make the Area more robust and coherent to reduce its extent, or to reassess the robustness of its current boundaries and landscape inclusion.

f. Summary of our Position

We would suggest that there is a real need for the Conservation Area Appraisal to be reassessed, and for amendments to be made to the text, and to the proposed extensions. There is a real sense throughout the document that there is a longing to return to a rural past that no longer exists, this is understandable but is important that the character of the Conservation Area today is properly understood and characterised. References to 'rural charm' stand alongside descriptions of the busyness of Seasalter Road, and a general overlooking of the modern development that exists within the context of the three Areas. It is simply the case that the Conservation Areas have to be understood as forming part of a busy and well-developed landscape, and not the rural idyll that the text currently implies.

We would strongly request that the Council look to revise the document on the basis of the comments above, and ensure that it is a robust, accurate and legible document, clear on the extent of the Areas, and the contribution made by their settings. We would also strongly recommend that the extensions to the Graveney Church and Graveney Bridge Conservation Areas are not pursued. The justification provided for these area's inclusions does not stand up to scrutiny, and would plainly devalue the Conservation Areas, and put the Appraisal at risk of legal challenge.